

## **REMARKS**

Claims 1–15 are pending. An Office Action mailed November 28, 2003 objected to the drawings, rejected Claims 1–5 under 35 U.S.C. § 112, and rejected Claims 1–15 under 35 U.S.C. § 102. By way of this amendment, Applicant hereby amends the specification, and amends Claims 1, 6, 12, and 14. Pursuant to 37 C.F.R. § 1.111, Applicant hereby respectfully requests reconsideration of the Application.

### **OBJECTION TO THE DRAWINGS**

The Office Action objected to the drawings because they do not show every feature of the invention specified in the claims. Specifically “the detector for detecting an electrical signal” in Claims 1–15 must be shown or the feature cancelled from the claims. Applicant has amended the claims to overcome this objection.

### **REJECTION OF CLAIMS 1–15 UNDER 35 U.S.C. §112**

The Office Action rejected Claims 1–15 as failing to comply with the enablement requirement. The claims contain subject matter, which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Office Action states that the “detector for detecting an electrical signal” in Claims 1–15 was not described in the specification. It should be noted that the detector 24 disclosed on page 3, lines 22–23 is the detector for detecting a beam of radiation not for detecting an electrical signal. With regard to amended Claims 1, 6, 12, and 14, Applicant respectfully traverses this rejection.

Applicant submits that the lens 22 focuses the returning beam of radiation 12 onto a detector 24, which converts the beam of radiation into a detected electrical signal 26 (page 3, lines 22 and 23). Therefore, Applicant submits that Claims 1–15 now comply with the enablement requirement.

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REJECTION OF CLAIMS 1-15 UNDER 35 U.S.C. § 102

The Office Action rejected Claims 1-15 as being anticipated by Price. The Office Action states that Price discloses a detector for detecting an electrical signal from a scanning microscope, one or more bandpass filters, and one or more power indicators for detecting and displaying average power. With regards to amended independent Claims 1, 6, 12, and 14, Applicant respectfully traverses this rejection.

Applicant submits that Price fails to teach or suggest converting a radiation beam into an analog electrical signal. Also, Applicant submits that Price fails to teach or suggest displaying average power of the filtered analog electrical signal. Price compares a plurality of digitally filtered images and adjusts a focus based on comparison results (Figure 4, block 214). Price makes no mention of displaying a power value only of adjusting focus of an image based on a plurality of previously generated images (block 210, Figure 4). By displaying the power level of the electrical signal, a user can adjust the focus and see directly how that adjustment affects the power level of the received radiation beams. Therefore, Applicant submits that independent Claims 1, 6, 12, and 14 are allowable over the cited reference. Because Claims 2-5, 7-11, 13 and 15 depend from allowable independent claims, they are allowable for the same reasons that make their corresponding independent claims allowable.

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## CONCLUSION

Applicant respectfully submits that all of the claims of the pending application are now in condition for allowance over the cited references. Accordingly, Applicant respectfully requests withdrawal of the rejections, allowance, and early passage through issuance. If the Examiner has any questions, the Examiner is invited to contact the Applicant's agent listed below.

Respectfully submitted,

BLACK LOWE & GRAHAM<sup>PLLC</sup>



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## MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: **MAIL STOP NON-FEE AMENDMENT**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2/21/04  
Date of Deposit

  
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